

# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

## PCT

### RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire BIF116045/CU	<b>POUR SUITE À DONNER</b>		Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2004/000985	Date du dépôt international ( <i>jour/mois/année</i> ) 22 April 2004 (22.04.2004)	Date de priorité ( <i>jour/mois/année</i> ) 22 April 2003 (22.04.2003)	
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant <b>ANJOU RECHERCHE</b>			

<p>1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).</p> <p>2. Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.</p> <p>Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).</p>																								
<p>3. Le présent rapport contient des indications relatives aux points suivants :</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° I</td> <td>Base de l'opinion</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° II</td> <td>Priorité</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° III</td> <td>Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° IV</td> <td>Absence d'unité de l'invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° V</td> <td>Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° VI</td> <td>Certains documents cités</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° VII</td> <td>Certaines irrégularités relevées dans la demande internationale</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° VIII</td> <td>Certaines observations relatives à la demande internationale</td> </tr> </tbody> </table> <p>4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).</p>	<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion	<input checked="" type="checkbox"/>	Cadre n° II	Priorité	<input type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle	<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention	<input checked="" type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration	<input type="checkbox"/>	Cadre n° VI	Certains documents cités	<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input checked="" type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date d'établissement du présent rapport 02 March 2006 (02.03.2006)
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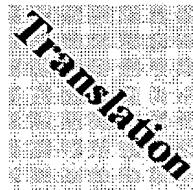
Formulaire PCT/IB/373 (janvier 2004)

**PATENT COOPERATION TREATY**

**From the**  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>BIF116045/CU</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/FR2004/000985</b>	International filing date (day/month/year) <b>22.04.2004</b>	Priority date (day/month/year) <b>22.04.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>ANJOU RECHERCHE</b>		

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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INTERNATIONAL SEARCHING AUTHORITY

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material

a sequence listing  
 table(s) related to the sequence listing
  - b. format of material

in written format  
 in computer readable form
  - c. time of filing/furnishing

contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1.  The following document has not yet been furnished:  
 copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  
Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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INTERNATIONAL SEARCHING AUTHORITY**

International application No. <b>PCT/FR2004/000985</b>
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<b>Box No. V</b> <u>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>																			
<p><b>1. Statement</b></p> <table> <tr> <td align="left">Novelty (N)</td> <td>Claims <u>1-34, 36, 37</u></td> <td align="right">YES</td> </tr> <tr> <td></td> <td>Claims <u>35</u></td> <td align="right">NO</td> </tr> <tr> <td align="left">Inventive step (IS)</td> <td>Claims <u>1-34, 36, 37</u></td> <td align="right">YES</td> </tr> <tr> <td></td> <td>Claims <u>35</u></td> <td align="right">NO</td> </tr> <tr> <td align="left">Industrial applicability (IA)</td> <td>Claims <u>1-37</u></td> <td align="right">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="right">NO</td> </tr> </table>		Novelty (N)	Claims <u>1-34, 36, 37</u>	YES		Claims <u>35</u>	NO	Inventive step (IS)	Claims <u>1-34, 36, 37</u>	YES		Claims <u>35</u>	NO	Industrial applicability (IA)	Claims <u>1-37</u>	YES		Claims _____	NO
Novelty (N)	Claims <u>1-34, 36, 37</u>	YES																	
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Inventive step (IS)	Claims <u>1-34, 36, 37</u>	YES																	
	Claims <u>35</u>	NO																	
Industrial applicability (IA)	Claims <u>1-37</u>	YES																	
	Claims _____	NO																	
<p><b>2. Citations and explanations:</b></p> <ol style="list-style-type: none"> <li>1. Reference is made to the following document in the present notification:            D1: GB 1 322 122 A (DUNLOP LTD) 4 July 1973            (1973-07-04)</li>   <li>2. INDEPENDENT CLAIM 1</li>             2.1. Document D1, which is considered as representing the most relevant prior art, discloses (the references between parentheses apply to that document) a method of coating the inner wall of a pipe with a protective film, consisting in forming said protective film from at least one latex (see D1, lines 9-36), from which the subject matter of independent claim 1 differs in that said latex, diluted with a 20% solids content in demineralized water, has a conductivity of less than 1.3 mS/cm. The subject matter of claim 1 is therefore novel (PCT Article 33(2)).              2.1.1. The problem to be solved by the present invention may be considered as how to find a latex for coating the inner wall of a pipe </ol>																			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

that can reduce or eliminate the leaching-out of one or more constituents of the material of said pipe into a liquid conducted by this pipe.

2.1.2. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (PCT Article 33(3)), for the following reasons:

- the use of a latex for coating the inner wall of a pipe is already known (see document D1, lines 9-36);
- unlike claim 1, the latex of document D1 does not undergo pretreatment in order to meet the conditions as regards the prevention of leaching;
- the other documents of the prior art do not suggest the solution of claim 1 either.

2.1.3. Claims 2-34 are dependent on claim 1 and therefore also comply, as such, with the PCT requirements in respect of novelty and inventive step.

3. INDEPENDENT CLAIM 35

3.1. The use of at least one latex to form a film intended for coating the inner wall of a pipe, in

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Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

order to reduce or eliminate the leaching-out of one or more constituents of the material of said pipe into a liquid conducted by this pipe is already described in document D1 (see claim 1). The subject matter of the claim is therefore not considered as novel (PCT Article 33(2)).

4. INDEPENDENT CLAIM 36

4.1. In respect of independent claim 36, the same argument applies *mutatis mutandis* as in respect of independent claim 1. The subject matter of claim 36 is therefore novel (PCT Article 33(2)) and is considered as involving an inventive step (PCT Article 33(3)).

4.2. Claim 37 depends on claim 36 and therefore also complies with the PCT requirements in respect of novelty and inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

It is clearly apparent from pages 4 and 11 of the description that the following features are essential to the definition of the invention:

- the latex is subjected to a purification treatment by dialysis and/or ultrafiltration (page 11, lines 5-7)
- the degree of purity of the latex is verified (page 11, lines 23-26) by
- measuring the conductivity using a conductimeter at a temperature of 20°C (page 4, lines 10-11).

Since independent claim 1 does not contain these features, it does not meet the condition pursuant to PCT Article 6 in combination with PCT Rule 6.3(b), which stipulate that an independent claim must contain all the technical features essential to the definition of the invention.

In respect of independent claim 36, the same argument applies *mutatis mutandis* as in respect of independent claim 1.